

REMARKS

Entry and consideration of the amended claims and the following remarks are respectfully requested.

Claims 2, 3, 6-15, 17, 19, 21, 22, 25-38, 40 and 42-54 have been withdrawn from consideration by Examiner.

Applicants reserve the right to prosecute these claims in a separate divisional or continuation application.

Claims 1, 4, 5, 16, 18, 20, 23, 24, 39, and 41, are examined.

Claims 1, 4, 18, 20, 24, and 41 have been canceled without prejudice and for the purpose of expediting the prosecution of this application. Claim 5 has been amended and is now drawn to substrates for botulinum serotype B or tetanus toxin, SEQ ID NO:3 and SEQ ID NO:4 which contain a signal moiety on one side of the cleavage site and a quenching moiety on the other side of the cleavage site. Claim 16 is now drawn to a kit comprising the substrates of claim 5. Claim 23 has been amended and is now drawn to peptide substrates for botulinum serotype B or tetanus toxin and SEQ ID NO:9, which may be immobilized onto a solid material and which contains a moiety that produces a measurable signal. Claim 39 has been amended and is now drawn to a kit comprising the substrates of claim 23. Support for the claims as amended are found throughout the specification and claims as originally filed.

Withdrawn claims 13, 34, and 46 are method claims which are currently amended to stay in line with the composition claims currently examined. Applicants request rejoinder these method claims should the composition claims be found allowable.

Claims 1, 4, 16, 20, 23, and 39 stand rejected under 35 U.S.C. §112, first paragraph as allegedly not enabled. Claims 1, 4, and 20 have been canceled. Claims 16 has been amended to include peptide substrates identified in SEQ ID NO:3 and 4. Claims 23 and 39 have been amended to include the peptide substrate identified in SEQ ID NO:9. The claims as amended are believed to be enabled. Withdrawal of the rejection is respectfully requested.

Claims 1, 4, 5, 16, 18, 20, 23, 24, 39, and 41 stand rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. The claims have been amended to remove objectionable language "have been modified". The term "a signal moiety" or "a moiety that quenches the magnitude of the signal" are described in the application as filed on page 13, lines 31-35 continuing on page 14, lines 1-2. The claims as amended are believed to be definite. Withdrawal of the rejection is respectfully requested.

Claims 20 and 23 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Shone *et al.* (WO95/33850). This rejection is traversed in view of the following.

Claim 20 has been canceled. The substrate claimed in claim 23 is a peptide substrate which may be immobilized on a

solid material, and which also contains a moiety that produces a measurable signal (described in the application as filed on page 18, lines 25-29) such that cleavage of the peptide releases the signal containing portion of the peptide. Shone et al. do not describe or claim such a peptide. Therefore, the claimed invention is not anticipated by Shone et al. Withdrawal of the rejection is respectfully requested.

All rejections have been addressed. This application is considered in condition for allowance and notice to that effect is respectfully solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being mailed via first class mail to: Mail Stop Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date of 14 February 2005.

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